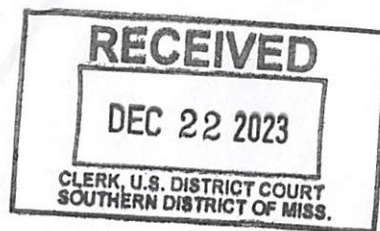


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SOUTHERN DISTRICT OF MISSISSIPPI

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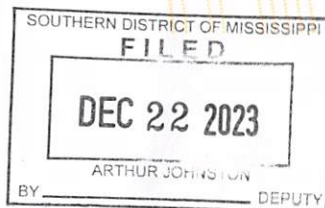
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**Philadelphia, MS 39350**

## Other Orders/Judgments

3:04-cv-00251-HSO-FKB

Johnson, et al v. Barbour, et al

**CASE CLOSED on 01/04/2008**

**CLOSED**,FKB

**U.S. District Court**

**Southern District of Mississippi**

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**WARNING: CASE CLOSED on 01/04/2008**

**Document Number:** 955

**Docket Text:**

**JOINT STIPULATED ORDER continuing suspension of the [712] Second Modified Mississippi Settlement Agreement. Signed by District Judge Halil S. Ozerden on December 12, 2023. (ENW)**

**3:04-cv-00251-HSO-FKB Notice has been electronically mailed to:**

Anastasia Benedetto - PHV abenedetto@abetterchildhood.org

C. Randy Cotton rcotton@baptistchildrensvillage.com

Christian D. Carbone - PHV ccarbone@loeb.com, nydocket@loeb.com

Dawn J. Post - PHV dpost@abetterchildhood.org

Douglas T. Miracle-State Gov doug.miracle@ago.ms.gov, fonda.hellen@ago.ms.gov

Eileen Crummy ecrummy@public-catalyst.com

Grace M. Lopes - PHV gracemlopes@gmail.com

Harold Edward Pizzetta , III hpizzetta@umc.edu, fhell@ago.state.ms.us

John A. Piskora - PHV jpiskora@loeb.com

Jonathan G. Borle - PHV jborle@abetterchildhood.org

Kevin Ryan kevinmichaelryan1967@gmail.com

Lisa Taylor ltaylor@public-catalyst.com

Marcia Robinson Lowry - PHV mlowry@abetterchildhood.org, 7595318420@filings.docketbird.com, 8580637420@filings.docketbird.com, abc@ecf.courtdrive.com, jmacdonald@abetterchildhood.org, srglasser@abetterchildhood.org

Melody McAnally melody.mcanally@butlersnow.com, ecf.notices@butlersnow.com, pamela.atkins@butlersnow.com

Michael J. Bentley mbentley@bradley.com, jaltobelli@bradley.com, michael-bentley-3817@ecf.pacerpro.com, mtbrown@bradley.com, sruhl@bradley.com

Paul Mathis paulmathis@bellsouth.net

Reuben V. Anderson reuben.anderson@phelps.com

Sara Robinson-Glasser - PHV srglasser@abetterchildhood.org, dfriedman@loeb.com, srglasserlaw@gmail.com

Sheila A. Bedi sheila.a.bedi@gmail.com

Stephen A. Dixon - PHV sdixonchildadvocate@hotmail.com

Stephen H. Leech, Jr stephenhleech@aol.com

William C. Pentecost cpentecost@bakerdonelson.com, clintpentecost@yahoo.com, glong@bakerdonelson.com, ltraxler@bakerdonelson.com

**3:04-cv-00251-HSO-FKB Notice has been delivered by other means to:**

Catholic Diocese of Jackson  
237 Amite Street  
P. O. Box 2248  
Jackson, MS 39225-2248

Coalition for Children's Welfare  
Address Unknown

Delta State University  
Department of Social Work  
Box 3172  
Cleveland, MS 38733

Mississippi Children's Home Services  
c/o John M. Damon  
1900 N. West Street  
P. O. Box 1078  
Jackson, MS 39215

National Association of Social Workers

P. O. Box 5599  
Pearl, MS 39288-5599

Professionals Advocating for Children Together  
PACT  
P. O. Box 1446  
Gulfport, MS 39502

Elizabeth Shanks Frizsell  
5846 Clubview Dr.  
Jackson, MS 39211

Erica A. Reed - PHV  
A BETTER CHILDHOOD, INC. - Chappaqua  
1095 Hardscrabble Road  
Chappaqua, NY 10514

George Whitten, Jr  
Attorney at Law  
310 High Street  
Greenwood, MS 38930-3652

Jean Smith  
332 Niemeyer Lane  
Lumberton, MS 39455

Jerelyn Jones  
912 Eastview Street  
Jackson, MS 39203

Richard Ferguson  
P.O. Box 1767  
Phildelphia, MS 39350

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., et al	)	
	)	
Plaintiffs	)	
	)	
v.	)	CIVIL ACTION NO. 3:04-cv-251-HSO-FKB
	)	
TATE REEVES, as Governor of the	)	
State of Mississippi, et al.	)	
	)	
Defendants	)	

---

**JOINT STIPULATED ORDER CONTINUING SUSPENSION OF  
THE SECOND MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT**

---

The Court has been advised that the parties have negotiated this Joint Stipulated Order Continuing the Suspension of the 2<sup>nd</sup> Modified Mississippi Settlement Agreement (“Continued Suspension Order”) with input from the Court Monitor.

Whereas, the Court entered the 2<sup>nd</sup> Modified Mississippi Settlement Agreement and Reform Plan (“2<sup>nd</sup> MSA”) [Dkt. No. 712] on December 19, 2016, and the 2<sup>nd</sup> MSA became effective on January 1, 2018; and

Whereas, the parties agreed to the appointment of Public Catalyst as the Monitor of Defendants’ compliance with the 2<sup>nd</sup> MSA; and

Whereas, the parties agreed to a Rebuilding Period, and the Court entered a Rebuilding Order on June 24, 2021 [Dkt. No. 917] which suspended the 2<sup>nd</sup> MSA through April 30, 2023; and

Whereas, the parties agreed to modify the Rebuilding Order, and the Court entered a Joint Stipulated Order to Modify the Rebuilding Order on April 25, 2023 [Dkt. No. 946] which suspended the 2<sup>nd</sup> MSA through June 30, 2023; and

Whereas, the parties agreed to modify the Rebuilding Order, and the Court entered a Joint Stipulated Order to Suspend the 2<sup>nd</sup> MSA on July 17, 2023 [Dkt. No. 953] which suspended the 2<sup>nd</sup> MSA through November 30, 2023; and

Whereas, it is the intent of the parties that the 2<sup>nd</sup> MSA continue to be suspended to continue to provide time for the Mississippi Department of Child Protection Services (“MDCPS”) to attain benchmarks related to key metrics; and

Whereas, having reviewed the matter and the agreement of the parties as evidenced by their signatures below, the Court finds that the agreement of the parties is well-taken and this Order should be entered.

Now, therefore, it is Ordered that:

1. MDCPS will produce data to the Monitor and the Plaintiffs as set forth in Exhibit “A” to this Order by February 15, 2024, unless otherwise noted, for the Monitor to validate the accuracy of the data being reported and, when appropriate, to assess the quality of MDCPS’s performance as related to those items set forth in Exhibit “A” to this Order.

2. MDCPS will continue to report to the Monitor and Plaintiffs, on a monthly basis, during the Continued Suspension Order period, caseload data for its frontline caseworkers based on the weighted standards table set forth in § 1.3.a. of the 2nd MSA and any adjustments made to the weighted standards for adoption workers.

3. The Monitor will undertake record reviews of a statistically significant random sample of cases to validate the accuracy of the data being reported and to assess the quality of MDCPS’s performance as related to those items set forth in Exhibit “B” to this Order.

4. The Monitor shall prepare a written report related to its review of the data set forth in Exhibit “A” of this Order and its review of those items in Exhibit “B” for the period of January 2023 through December 2023. The Monitor’s report shall be submitted to the parties by August 15, 2024.

5. All reporting, monitoring, and enforcement under the 2<sup>nd</sup> MSA is stayed, except as otherwise provided herein.

6. Unless otherwise provided herein or ordered by the Court, Defendants shall not be required to report to the Monitor, Plaintiffs or the Court as to any other provision of the 2<sup>nd</sup> MSA.

7. The Parties agree that Public Catalyst shall be the Monitor of Defendants’ progress towards achievement of the goals set forth herein.

8. Public Catalyst shall provide technical assistance to Defendants as set forth herein or as otherwise agreed to.

9. Plaintiffs shall not invoke the provisions of Section 11.2 of the 2<sup>nd</sup> MSA for any failure of Defendants to comply with any provision stated above before September 1, 2024. If either party invokes the provisions of Section 11.2 of the 2<sup>nd</sup> MSA beginning September 1, 2024, the parties will have sixty days to renew their pending motions and/or file new motions, the opposing party will have thirty days to respond, and the parties will jointly request an expedited hearing date.

10. The Monitor shall convene the parties periodically during the Suspension Period.

11. All reporting, monitoring, and enforcement under the 2<sup>nd</sup> MSA will resume on September 1, 2024.

SO ORDERED, this the 12<sup>th</sup> day of December, 2023.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED FOR ENTRY BY:

FOR THE PLAINTIFFS:

/s/ Marcia Lowry

Marcia Robinson Lowry (*pro hac vice*)  
Anastasia Benedetto (*pro hac vice*)  
Jonathan Borle (*pro hac vice*)  
A BETTER CHILDHOOD, INC.  
355 Lexington Avenue, Floor 16  
New York, NY 10017  
Phone: 646.808.7344  
mlowry@abetterchildhood.org  
abenedetto@abetterchildhood.org  
jborle@abetterchildhood.org

Michael J. Bentley (MSB #102631)  
BRADLEY, ARANT, BOULT &  
CUMMINGS, LLP  
One Jackson Place, Suite 400  
Jackson, MS 39201  
Phone: 601.948.8000  
mbentley@bradley.com

FOR THE DEFENDANTS:

/s/ Clint Pentecost

William Clinton Pentecost (MSB #99841)  
BAKER DONELSON BEARMAN  
CALDWELL & BERKOWITZ, PC  
One Eastover Center  
100 Vision Drive, Suite 400  
Jackson, MS 39211  
Telephone: (601) 351-2400  
Facsimile: (601) 351-2424  
cpentecost@bakerdonelson.com

Douglas T. Miracle (MSB #9648)  
Assistant Attorney General  
OFFICE OF THE MISSISSIPPI  
ATTORNEY GENERAL  
P. O. Box 220  
Jackson, MS 39205  
doug.miracle@ago.ms.gov

**EXHIBIT A**

During the suspension period, MDCPS produced data to the Monitor and the Plaintiffs related to the following provisions from the 2<sup>nd</sup> MSA as noted below in the “Data Previously Produced” column. During the continued suspension period, MDCPS will produce data to the Monitor and the Plaintiffs related to the following provisions from the 2<sup>nd</sup> MSA as noted below in the “Data to Produce” column.

<b>Provision</b>	<b>Data Previously Produced</b>	<b>Data to Produce</b>
1.3.a.	Jan & July – Oct 2023	Feb – June & Nov – Dec 2023
1.3.b.	N/A	Q1 – Q4 of 2023
2.8.a.	Q1 – Q3 of 2023	Q4 of 2023
2.8.b.	N/A	Q1 – Q4 2023
2.9.	Q1 – Q3 of 2023	Q4 of 2023
3.1	Q1 – Q3 of 2023	Q4 of 2023
3.2.a.	Q1 – Q3 of 2023	Q4 of 2023
4.1.a.-c.	Q1 – Q3 of 2023	Q4 of 2023
4.6.	Q1 – Q3 of 2023	Q4 of 2023
4.9	Q1 – Q3 of 2023	Q4 of 2023
4.11	Q1 – Q3 of 2023	Q4 of 2023
5.1.a.	Q1 – Q3 of 2023	Q4 of 2023
5.1.b.	Q1 – Q3 of 2023	Q4 of 2023
5.1.c.	Q1 – Q3 of 2023	Q4 of 2023
5.1.d.	Q1 – Q3 of 2023	Q4 of 2023
6.1.d.	Q1 – Q3 of 2023	Q4 of 2023
6.3.a.2.	Q1 – Q3 of 2023	Q4 of 2023
6.3.b.3.	Q1 – Q3 of 2023	Q4 of 2023
6.4.a.	Q1 – Q3 of 2023	Q4 of 2023

Provision	Data Previously Produced	Data to Produce
7.1	Q1 – Q3 of 2023	Q4 of 2023
7.2	N/A	Q1 – Q4 of 2023
7.4	N/A	Q1 – Q4 of 2023
7.5	N/A	Q1 – Q4 of 2023
8.1.a.	Q1 – Q2 of 2023	Q3 – Q4 2023
8.1.b.	Q1 – Q2 of 2023	Q3 – Q4 2023
8.1.e.	Q1 – Q2 of 2023	Q3 – Q4 2023

**EXHIBIT B**

During the continued suspension period, the Monitor will undertake record reviews of a statistically significant random sample of cases related to the following provisions from the 2<sup>nd</sup> MSA.

Provision
2.4
2.5
2.7.a.-d.
3.2.b.
3.2.c.
4.8
4.12
6.3.a.4.
6.3.a.5.
6.3.a.6.
6.3.b.2.
6.4.b.
6.4.c.
6.5.a.1.-3.
8.1.c.
8.1.d.
8.1.f.
8.1.g.
8.2.c.